

SETTING THE STAGE

The need to recognize that artists have the same rights as other citizens, in the workplace and in society, has been the subject of discussion for at least 30 years in Canada, and has been debated for an even longer time in other countries around the world.

1941-51: The Conference of Canadian Artists, the first national meeting of artists from across Canada, is held in Kingston in 1941 and leads to the creation of the Federation of Canadian Artists (FCA). The Canadian Arts Council (the precursor of the CCA) is formed in 1945.

In 1951, The Royal Commission on National Development in the Arts, Letters, and Sciences (Massey-Lévesque Commission) states: "One measure of the degree of civilization attained by a nation might fairly be the extent to which the nation's creative artists are supported, encouraged and esteemed by a nation as a whole."

1973: In a brief titled *A Declaration of Cultural Concern*, the CCA emphasizes the gap between Canada's unique cultural potential and the reality of its commitment. "Nothing does more damage to the contemporary artist than society's romantic illusion about his real situation". The brief notes: "His or her real situation is that of a beacon in intellectual circles but a pauper in practical terms".

1976: The 19th session of the general conference of UNESCO in Nairobi, Kenya, suggests undertaking a study on the status of the artist on a world scale.

1977: A meeting of the International Labour Organization (ILO) considers the status of the artist in relation to working conditions and other matters within the scope of the ILO. A joint ILO/UNESCO meeting of Experts on Status of the Artist is convened in Geneva, Switzerland, as a result of the previous independent meetings in 1976 and early 1977.

1978: *Federal Tax Issues of Concern to the Arts Community in Canada* (Disney Report) recommends that the federal government adopt a dual status for professional artist that allows them to retain their self-employed status for taxation purposes, while enjoying access to employee programmes, such as Unemployment Insurance and the Canada Pension Plan.

1980: Canada signs the UNESCO recommendation on the status of the artist (known as the Belgrade Recommendation). This document urges signatory states to consider a broad range of policy development, including funding, training, professional status for artists and access to social programs.

1982-3: The Applebaum-Hébert Report of the Federal Cultural Policy Review Committee concludes that in 30 years, despite their overwhelming contribution to Canadian life, artists' living conditions remain virtually unchanged: "The income of many, if not most, of these artists classifies them as highly-specialized, working poor.... It is clear to us that the largest subsidy to the cultural life of Canada comes not from governments, corporations or other patrons, but from the artists themselves, through their unpaid or underpaid labour."

The FCA petitions the federal government to establish an arts council. Together with 15 other major cultural organizations, FCA presents the Brief Concerning The Cultural Aspects of Canadian Reconstruction to the House of Commons Special Committee on Reconstruction and Re-establishment in what became known as the March on Ottawa.

Although the issues regarding the rights of artists are being discussed, formal examination of the status of artists is given little emphasis at this time.

Paul Siren represents Canada and chairs the Joint Committee of Experts. The Joint Committee prepares a draft recommendation for the consideration of member states and subsequently for consideration by the UNESCO general conference.

This report is not immediately acted upon by the federal government, but is repeatedly referred to by the cultural sector as a comprehensive and accurate view of the difficulties imposed on artists by the tax system.

The arts community protests tax treatment of artists.

1984-5: The House of Commons sub-committee of the Standing Committee on Communications and Culture releases The Taxation of Visual and Performing Artists and Writers. The report focuses on the effect of the Income Tax Act on artists.

Several areas of improvement are recommended regarding "professional assessment" and "tax status" of artists. Regional coalition rallies are held across Canada and a march held in Ottawa on Arts Day (20 March 1985) to protest arts cuts.

1986: the Report of the Task Force on the Status of the Artist (Siren-Gélinas), containing 41 recommendations addressing a broad range of concerns but leading largely with labour relations measures under federal government jurisdiction, is submitted to the Department of Communications¹. The report recommends the "Government of Canada, through the Minister of Communications, should immediately establish a National Advisory Committee on the Status of the Artist, and provide sufficient human and financial resources to effectively represent the Canadian artistic community to all levels of government in the development, implementation and monitoring of legislative and policy changes that affect the artistic profession."

CCA holds conference of Status of the Artist. The announcement of the then Minister of Communications, Marcel Masse, regarding the formation of the Task Force, is made at the CCA conference on the status of the artist.

1987-8: Flora MacDonald, Minister of Communications, acts on the first recommendation of the Siren-Gélinas Report by creating the Canadian Advisory Committee on the Status of the Artist (CACSA) to advise the government on the implementation of the recommendation in the Siren-Gélinas Report. Assisted by CCA, CACSA develops draft legislation, referred to as the Canadian Artists' Code, which - among other things - outlines comprehensive taxation and social benefits measures, and forms the basis for continuing negotiations with the Department of Communications and other federal government departments. Although it is not adopted, it provides an excellent overview of correlated legislation and amendments crucial to improving the status of artists.

Passage of status of the artist legislation in the province of Québec in 1987 gives fresh impetus for action at the federal level. The legislation is in the form of two bills: Bill 90 dealing with stage, film, television and sound recording artists, and Bill 78 dealing with writers, visual artists and craftspeople. Bill 90 is enacted in 1987, Bill 78 in 1988. The bills recognize artists as self-employed professionals with certain rights and privileges in their working relationships. CCA takes part in several initiatives regarding tax policy and publishes Taxation and the Arts.

1989: the Library of Parliament Research Branch submits a Background Information on Status of the Artist², prepared for the House of Commons Standing Committee on Communications. The submission includes the 1986 Report of the Task Force on Status of the Artist, initiatives which took place since that report, updates on the various issues facing artists, and several sub-committee reports on legislation affecting artists.

CCA submits briefs to, and holds meetings and consultations with, CACSA, the Standing Committee on Communications and Culture, Department of Communications officials, and the arts community, to review status of the artist issues. CCA calls for endorsement of the Canadian Artists' Code.

1990: The Conservative government under Brian Mulroney proposes legislation to address the needs of artists. Initially, the legislation was to cover a number of issues including the tax status of artists, their status under Employment Insurance legislation and the Canada Pension Plan. After a consultative process, it becomes evident that the proposed legislation, as presented, is too broad for the times, and only labour legislation is included. Marcel Masse introduces status of the artist legislation, Bill C-7, in the House of Commons. The Bill receives first reading then dies on the Order Paper when the session is prorogued later in the year.

CCA develops and promotes adoption of parallel legislation by the provinces, entitled "Provincial Road Map" for status of the artist, containing a step-by-step action plan to lobby the nine remaining provinces to enact status of the artist legislation. CCA also organizes a meeting of cultural labour groups to plan a national effort to promote federal and provincial legislation.

¹ Report of the Task Force (Siren-Gélinas) on the Status of the Artist, August 1986

² Library of Parliament Research Branch, Background information prepared for the House of Commons Standing Committee on Communications, Culture, Citizenship and Multiculturalism, September 1989

1991: Marcel Masse, Minister of Communications, announces the creation of the Canadian Council on the Status of the Artist, with a mandate to advise the Minister on matters relating to status of the artist, act as liaison with the principal professional artists' organizations throughout Canada, and sponsor studies for preparing measures to improve the socio-economic conditions of professional artists. Perrin Beatty, newly-appointed as Minister of Communications, reintroduces the legislation in the House where it receives second reading by the fall.

Information sessions on the Council are held. CCA explores ways to improve access to social benefit plans for artists with low and fluctuating incomes.

1992: In recognition of the important contribution that artists make towards the cultural, social, economic and political richness of Canada, and after many years of lobbying by artist organizations, **the federal government enacted the Status of the Artist Act (the "Act").**³ This recognizes the artists' role in society, the right of artists and producers to express themselves and associate freely, the right of associations representing artists to be recognized legally and work for the professional and socio-economic well-being of members, and the right of artists to have official consultative mechanisms (the Act created Canadian Council on the Status of the Artist and the Canadian Artists and Producers Professional Relations Tribunal).

The Tribunal and the Council were only two of the many components which artists and their organizations had sought. There were no consequential amendments to the Income Tax Act, the Copyright Act, and Employment Insurance Act which would recognize and be tailored to the needs of self-employed artists, and furthermore would recognize the contribution of the cultural sector to the overall economy of Canada.

1995: The remaining sections of the Act come into effect; the Canadian Artists and Producers Professional Relations Tribunal begins operations.

In an ironic twist, this year also marks the demise of the Canadian Council on Status of the Artist, despite being mandated in the legislation.

1997: Federal election called in the fall.

In consultation with the cultural community, CCA developed an election strategy for the sector. One of the key messages was a "Commitment to legislation to meet the specific tax and social benefit needs of self-employed artists".

1998:

CCA forms a Working Group to examine Canadian cultural policy at the end of the century and make recommendations to improve the cultural life of the country; the Final Report of the Working Group on Cultural Policy for the 21st Century is produced, containing many recommendations including "that the status of the artist be the focus of a special meeting of federal and provincial governments, during which a broad action plan to advance the status of Canadian artists and creators would be devised".

1999:

CCA produces a Frequently Asked Questions booklet for all MPs, explaining the motion put forward by Nelson Riis to provide an income tax exemption for artists.

³ An Act Respecting the Status of the Artist and Professional Relations between Artists and Producers in Canada, <http://laws.justice.gc.ca/en/S-19.6/>

2000:

CCA undertakes a review of the Status of the Artist Act entitled "A Call to Action: A Year 2000 Research Report and Discussion Paper on the Status of the Artist Policy and Legislation in Canada.

2001:

Organization by CCA of the first Chalmers Conference, with the focus on taxation of artists, and how to improve their socio-economic lives. CCA's pre-Budget submission seeks improved socio-economic conditions for artists in accordance with the original intent of the Status of the Artist Act.

2002: The Department of Canadian Heritage undertakes a review of the Act, as mandated in the legislation. The review, carried out by Prairie Research Associates, makes 8 recommendations. (Executive Summary included in conference documentation; full report available at www.pch.gc.ca/progs/em-cr/eval/2002/2002_25/tm_e.cfm.)

Recommendation 2 states that: "Given that the federal government funds arts organizations that provide advocacy and advice on behalf of Canadian artists, consideration should be given to whether these organizations could fulfil the role of the Canadian Council on the Status of the Artist while respecting the intent of Part I of the Status of the Artist Act." CCA's pre-Budget submission seeks improved socio-economic conditions for artists in accordance with the original intent of the Status of the Artist Act.

2003:

CCA's pre-Budget submission seeks improved socio-economic conditions for artists in accordance with the original intent of the Status of the Artist Act.

2004:

CCA plans major conference on Status of the Artist in Regina, Saskatchewan. CCA's pre-Budget submission seeks improved socio-economic conditions for artists in accordance with the original intent of the Status of the Artist Act.